

CITY COUNCIL
ATLANTA, GEORGIA

03-0-1842

AN ORDINANCE

BY COUNCILMEMBER NATALYN ARCHIBONG



AN ORDINANCE WAIVING THE PERFORMANCE BOND REQUIREMENTS OF THE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE AND OTHER ORDINANCES PRIOR TO THE ISSUANCE OF A LAND DISTURBANCE PERMIT FOR PROPERTY AT 1219 CAROLINE STREET AND 1240 CAROLINE STREET, PROVIDED THAT THE SEMBLER COMPANY FUND AN ESCROW ACCOUNT IN AN AMOUNT EQUAL TO THE AMOUNT REQUIRED BY ORDINANCE FOR THE PERFORMANCE BOND IMMEDIATELY UPON THE CREATION OF THE ACCOUNT BY THE CITY OF ATLANTA, AND FOR OTHER PURPOSES.

WHEREAS, the Sembler Company intends to develop the property at 1219 Caroline Street and 1240 Caroline Street (the "Development"); and

WHEREAS, in order to obtain land disturbance permits for the Development, Section 74-39(b)(4)(b) of the Atlanta Code of Laws requires that a performance bond be submitted which is made payable to the City of Atlanta to ensure that disturbed areas are stabilized to provide effective soil erosion and sedimentation control; and

WHEREAS, the issuance of a performance bond prior to the issuance of a performance bond would result in substantial delays in the issuance of a land disturbance permit, thereby creating a substantial hardship on the Sembler Company; and

WHEREAS, the Sembler Company is ready, willing and able to provide funds made payable to the City of Atlanta in the amount required by Section 74-39(b)(4)(b) to ensure that disturbed areas are stabilized to provide effective soil erosion and sedimentation control immediately upon the creation of the escrow account and execution of the escrow agreement; and

WHEREAS, it is in the interest of the public health, safety and welfare that the land disturbance permit issue in compliance with all other city ordinances and regulations without delay;

WHEREAS, the City Council determines that, so long as a check in the amounts required by Section 74-39(b)(4)(b) is made payable to the City of Atlanta and given to the City of Atlanta as holder thereof and an escrow account is thereafter funded immediately following the creation of the escrow account and execution of the escrow agreement, it is in the best interest of the City of Atlanta that the performance bond requirement prior to the issuance of a land disturbance permit be waived;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF ATLANTA
AS FOLLOWS:**

Section One:

That the provisions of Section 74-39(b)(4)(b) of the Atlanta Code of Laws be, and the same hereby are, waived for the purpose of the providing a performance bond prior to the issuance of a land disturbance permit for the development at 1219 Caroline Street and 1240 Caroline Street.

Section Two:

In lieu of submitting a performance bond as required under Section 74-39(b)(4)(b), the Sembler Company shall be required to fund an escrow account immediately upon the creation of that escrow account and execution of the escrow agreement in the amounts required under Section 74-39(b)(4)(b). Failure to fund the escrow account in accordance with this ordinance and the escrow agreement shall result in the rescinding of the land disturbance permit until such time that the escrow account is funded.

Section Three:

That all ordinances in conflict herewith are repealed for purposes of this ordinance only.

RCS# 5143
11/03/03
2:27 PM

Atlanta City Council

Regular Session

03-O-1842 WAIVING PERFORM BOND REQURMNT SOIL ERO &
 SEDIMNT CNTRL LDP 1219/1240 CAROLINE ST
 FILE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

03-O-1842

#14

03-0-1842

(Do Not Write Above This Line)

An Ordinance by
Councilmember Natalyn
Archibong:

Waiving the performance bond requirements of the soil erosion and sedimentation control ordinance and other ordinances prior to the issuance of a land disturbance permit for property at 1219 Caroline Street and 1240 Caroline Street, provided that the Sembler Company fund an escrow account in an amount equal to the amount required by ordinance for the performance bond immediately upon the creation of the account by the City of Atlanta; and for other purposes.

FILED BY
CITY COUNCIL

NOV 03 2003

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 10/20/03

Referred To: City of Atlanta

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee Date
City of Atlanta
Chair
Natalyn Archibong

Action
Fav, Adv, Hold (see rev. side)
Other

Members
Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

- FINAL COUNCIL ACTION
- ☒ 2nd
 - ☐ 1st & 2nd
 - ☐ 3rd
 - ☐ Consent
 - ☐ V Vote
 - ☒ RC Vote

CERTIFIED

CERTIFIED
NOV 03 2003
ATLANTA CITY COUNCIL PRESIDENT
Lafone W. Hubbard

CERTIFIED
NOV 03 2003

Rodney D. Brown
MUNICIPAL CLERK

MAYOR'S ACTION